March 8, 2004

Assistant Commissioner of Patents

$O9/747,775$

Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: Advertising enabled digital content

US File # **20020082913**   Filed: 12/22/2000

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20020082913**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising and content delivery system dependent upon a database maintained at the client level. The inventor refers to a traditional client/server system as a "media player" or other executable program/system that resides on a client computer device. Within this system, he builds a database containing a plurality of advertisements dynamically retained at the client terminal as well as content related to the media. The system is described in (0016) (0022) (0025) (0026) (0029) (0031) and others.

The abstract reads in part, "The electronic content has associated therewith a user right which is determined by the executable player. An executable module attached to the executable program obtains at least one electronic advertisement in the event the user right is indicative of a restricted right. The electronic advertisement may be obtained from a advertising server and presented to the user, visually or audibly, during the use of the program acting upon the content."

Selecting a channel, MP3 tune or genre-specific media that is a voluntary user action, will trigger the display of targeted advertising presumably associated with viewers of that media. (0029), Selection of media, or user interface with any other executable program, is the equivalent to voluntarily entering a URL or keyword into a browser locator window that makes a match with an advertising database stored (0025) and maintained at the client software system in the remotely controlled and updated interactive database and in the event a match is made by comparing, an appropriate advertisement is displayed.

Relevant Claims are: 2, 8, 14, 17, 20, 23, 27, and others. Basing ad display based upon program selection comparisons stored at the client level is no different than selecting a URL in a browser or keyword in a search engine. The

media player is simply a software plug-in to a browser that is described and used in prior art.
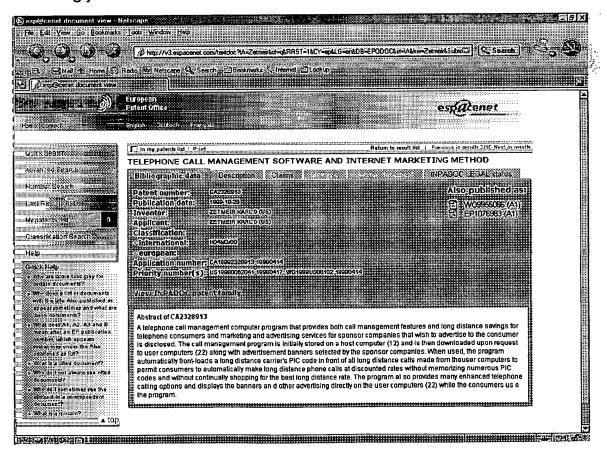
This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established and updateable client database and a targeted ad is displayed.

I am objecting to this patent filing, as it is neither novel nor unique. It is of particular note that while no prior art was submitted with this filing correlating to the internet and only some vague references to server profiling systems. The filers are correct that a targeted system based on program selection, URLs or keywords is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 12/22/2000 filing.

I believe the Examiner should look very closely at the Claims made and judge accordingly.

TELEPHONE CALL MANAGEMENT SOFTWARE AND INTERNET MARKETING METHOD

Abstract of CA2328913

A telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer is disclosed. The call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program al so provides many enhanced telephone calling options and displays the banners an d other advertising directly on the user computers (22) while the consumers us e the program.

USPTO PATENT FULL-TEXT AND IMAGE DATABASE

| Home | Quick | Advanced | Pat Num | Help |

Bottom

View Cart | Add to Cart

Images

United States Patent   **6,141,010**

Hoyle   **October 31, 2000**

Computer interface method and apparatus with targeted advertising

Abstract

A method and apparatus for providing an automatically upgradeable software application that includes targeted advertising based upon demographics and user interaction with the computer. The software application is a graphical user interface that includes a display region used for banner advertising that is downloaded from time to time over a network such as the Internet. The software application is accessible from a server via the Internet and demographic information on the user is acquired by the server and used for determining what banner advertising will be sent to the user. The software application further targets the advertisements in response to normal user interaction, or use, of the computer. Associated with each banner advertisement is a set of data that is used by the software application in determining when a particular banner is to be displayed. This includes the specification of certain programs that the user may have so that, when the user runs the program (such as a spreadsheet program), an advertisement will be displayed that is relevant to that program (such as an advertisement for a stock brokerage). This provides two-tiered, real-time targeting of advertising--both demographically and reactively. The software application includes programming that accesses the server on occasion to determine if one or more components of the application need upgrading to a newer version. If so, the components are downloaded and installed without requiring any input or action by the user.

CLARIA.

■ CORPORATE OVERVIEW

CORPORATE OVERVIEW
  Overview
  News Room
  Management Team
  Employment
■ ADVERTISE
■ PRODUCTS & SERVICES
■ CONTACT US

Overview

■ Claria Corporation Overview

Claria Corporation is the leader in online behavioral marketing, serving over 38 million consumers and more than 900 Advertisers – including over 60 Fortune 1000 companies. Claria publishes advertising messages for top tier companies and agencies to consumers who are part of the GAIN Network, Claria's network of over 38 million consumers who agree to receive advertising based on their actual online behavior.

Unlike traditional demographic targeting, Claria's behavioral marketing model combines powerful insights into consumer behavior and the ability to deliver contextually targeted messages. The relevancy of the messages drives click-through and conversion rates up to 40 times higher than traditional banner ads – boosting campaign results to unprecedented levels. The difference is Claria's deep insights into consumer online behavior. Claria allows advertisers to target consumers based on their individual needs and interests resulting in industry leading ROI, not mass demographically targeted Web site populations.

In addition to its advertising network, Claria provides marketing research and business insights through its Feedback Research division. Feedback Research delivers in-depth analytics of consumer Web usage patterns across the entire Internet that cannot be attained via any other research provider. It also provides full service custom marketing research to Fortune 1000 clients. With exclusive access to the GAIN Network's 38 million consumers, Feedback Research surveys hard to reach consumers, based on their individual online behavior, quickly and cost-effectively.

■ History

Claria was founded in 1998 as The Gator Corporation to deliver the promise of one-to-one marketing on the Internet. The guiding vision was to develop a massive consumer audience by offering valuable web/software content for free in exchange for the right to show highly targeted advertising based on consumers' anonymous surfing behavior. Launched in June 1999, the Gator eWallet was the company's first free ad-supported software product, and it quickly grew to become the most popular product in its category.

By November 1999, Claria had revolutionized the online advertising industry by introducing its contextual and behavioral relevant online advertising model. This new advertising method resulted in unparalleled ROI for advertisers.

Claria headquarters are located in Redwood City, California, with U.S. offices in Los Angeles, Chicago, New York, Detroit, Austin, and International offices in the U.K and Asia. Claria is backed by top-tier venture capitalists such as Greylock, Technology Crossover Ventures, U.S. Venture Partners, Investor AB and Crosslink Capital.